

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUDGE SOU
DOCUMENT
ELECTRONICALLY FILED
2/4/2020

SHLOIME TORIM,

Plaintiff,

-against-

OFFICER AHAMAD REZAK aka AHMED
REZAK,

Defendant.

19-CV-9192 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff Shloime Torim paid the filing fee to bring this *pro se* action regarding events occurring at Otisville Correctional Facility. By order dated November 22, 2019, the Court informed Plaintiff that if he did not file an amended complaint, only his claims against Correction Officer Rezak, arising under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb, *et seq.*, would proceed. The November 22, 2019 order explains why the Court dismissed Plaintiff's claims arising under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, and all claims against the other defendants, and granted Plaintiff leave to replead. Plaintiff did not file an amended complaint, or otherwise communicate with the Court that he wished to do so. Accordingly, this matter will proceed only as to C.O. Rezak.

The Clerk of Court is directed to issue a summons as to Defendant Correction Officer Ahamad Rezak aka Ahmed Rezak. Plaintiff is directed to serve the summons and complaint on Defendant Rezak within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has not either served Defendant Rezak or requested an extension of time to do so, the Court may dismiss the claims against Defendant Rezak under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute. It is Plaintiff's responsibility to request, if

necessary, an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012).

Plaintiff also must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

CONCLUSION

The Clerk of Court is directed to issue a summons as to Defendant Correction Officer Ahamad Rezak aka Ahmed Rezak, and mail a copy of this order to Plaintiff, together with the summons and an information package.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: Feb. 4, 2020
White Plains, New York



NELSON S. ROMÁN
United States District Judge